

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING – EXECUTIVE SESSION
MINUTES
April 12, 2011

Members Present: Lynda Walsh, Chairman
James J. DeVellis, Clerk
Lorraine Brue
Paul Mortenson

Others Present: Kevin Paicos, Town Manager
Randy Scollins, Finance Director
Attorney Paul DeRensis
Leo Potter, W&S Superintendent
Bill Euerle, W&S Commissioners
Mike Stanton, W&S Commissioners

The purpose of this Executive Session is to discuss Real Property Negotiations.

Kevin Paicos distributed copies of the Term Sheet as submitted by the Kraft Group. He noted the revenue sharing on the bill boards had been reached by consensus. The payment obligation must be \$358,000, not less. The Kraft Group is asking for forgiveness on the meals tax and veto authority on who may hook up to the sewer. Kevin said he had gone through all the items on the Term Sheet during an extensive meeting with Kraft Group representatives. Kevin said he was told that there are steps the Town could make in order to recoup money if there is no agreement on the \$358,000.

Kevin Paicos said he questions the seriousness with which the Kraft Group takes the negotiating term's efforts to come to an agreement in that they (Kraft Group) decided to "go around the team and deal directly" with one member of the BOS. Kevin said he wants no ambiguity with the way this is to be done. He cannot serve as the Town's representative with instructions to communicate the Town's wishes if simultaneously one member of the Board is taking different positions. He asked the Board to instruct that member to share whatever information is received; it is critical that any contact with the Town be done through the bargaining team. He cannot accomplish this objective if the Kraft Group is being told other things are possible. When asked about attendance at a meeting held on Friday, Kevin explained that the meeting was on planning issues and the conversations were limited. He said in the future everybody would be in attendance.

Kevin Paicos said that three things have disappeared from this term sheet – the exemption from the meals tax, classification and the veto authority. Therefore, he believes the latest term sheet represents an opportunity to settle a deal with the Kraft Group. Lorraine Brue disagreed because she feels these are still in but worded differently. Mike Stanton pointed out that there are two separate deals – the billboards and the payment of \$358,000. A discussion ensued regarding possible income from the billboards, taking the billboards back and putting out RFPs for advertising and possibly building another billboard on Town owned property.

Lorraine Brue pointed out that the social contract with the Town is still in place. She feels that the Town should continue dealing with this process but letting the Kraft Group know the Town is going to put out RFPs for signage. She suggested continuing to work through the negotiating team to support the other things. Kevin Paicos pointed out that he is trying to get the \$358,000 plus 50% of the billboards. Bill Euerle asked if the document (read by Kevin Paicos) given to Larry Harrington would be reviewed by the public and the Board should object strenuously. He said there is an established committee and negotiations should continue to try to move forward with a counter proposal and could end up with taking back signage. He said that this term sheet is all about preconditions and that the Kraft Group is not really serious in engaging in any of the issues. Kevin Paicos said the Kraft Group believes they can get more than the town is willing to give; they cannot see that here is a "line in the sand". He feels he has not had

the absolute clear backing of the five Selectmen. He wanted to be able to have the Kraft Group understand that there is a line which the Town will not cross. If there is "no deal", Kevin wanted to communicate that in a way they would believe. Attorney DeRensis said if there is no deal, the Kraft Group are not going to do anything here.

Kevin Paicos summarized the discussion of the term sheet – billboards, unknown revenue, possibility of an additional billboard, the \$358,000 a separate issue, 50/50 on everything else, taking back signage, "no" on the 100,000 g/p/d flow reserved for Kraft and support for the MBTA rail station - not part of this deal and no support for the additional liquor licenses - not part of this deal.

Motion by Paul Mortenson to direct Kevin Paicos to put out RFPs on billboards. Seconded by Lorraine Brue.

Vote: 4-0-0	Lynda Walsh, Chairperson	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

Motion by Paul Mortenson to direct Kevin Paicos to simultaneously continue negotiations with the Kraft Group on the latest term sheet. Seconded by Lorraine Brue.

Vote: 4-0-0	Lynda Walsh, Chairperson	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

Motion to exit Executive Session for the sole purpose of adjournment by Paul Mortenson. Seconded by Jim DeVellis.

Vote: 4-0-0	Lynda Walsh, Chairperson	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

Meeting adjourned at 11:00 P.M.

James J. DeVellis, Clerk